IN THE HIGH COURT OF PUNJAB & HARYAN AT CHANDIGARH

R.S.A. No. 2005 of 2005
Date of decision: January 16,2007

Balbir Singh V. Smt.Sunhari and others

CORAM: HON'BLE MR.JUSTICE VINEY MITTAL

Present: Shri Rakesh Gupta,Advocates, for the appellant.
Shri J.P.Dhull,Advocate, for respondent No.1.
Shri N.S.Dandiwal, Advocate, for respondent No.2.

Viney Mittal,J.(Oral)

The plaintiffs having lost concurrently before the two courts below are in second appeal.

A suit for declaration and permanent injunction was filed by the plaintiff. It was claimed by him that he along with Dalel Singh constituted a joint Hindu family and coparcenary and thereafter on the death of Dalel Singh, was entitled to the suit property by way of survivorship.

The two courts below have found it as a fact that Dalel Singh had got the property in question by way of a decree and as such since Dalel Singh had not acquired the property by way of inheritance,therefore, the plaintiff could not claim that the property was joint Hindu family property and coparcenary property in the hands of Dalel Singh. On the basis of the aforesaid findings the suit filed by the plaintiff has been dismissed by the trial court and his appeal failed before the first appellate court.

Nothing has been shown that the findings recorded by the two Courts below suffer from any infirmity or are contrary to the record.

No question of law, much less any substantial question of law, arises in the present appeal.

Dismissed.

January 16,2007 (Viney Mittal)
sks Judge